

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CR2011-005961-001 DT

05/05/2015

HON. SHERRY K. STEPHENS

CLERK OF THE COURT  
K. Schermerhorn  
Deputy

STATE OF ARIZONA

VINCE GODDARD

v.

TRAVIS RICCI (001)

BRUCE E BLUMBERG  
JENNIFER L WILLMOTT

CAPITAL CASE MANAGER

RULING

An evidentiary hearing was conducted on May 1, 2015 pursuant to *Chronis v. Steinle*, 220 Ariz. 559, 208 P.3d 210 (2009). The Court has considered the State's Notice of Intent to Seek Death Penalty, Notice of Aggravating Factors and Witnesses filed May 25, 2011, the indictment issued on April 8, 2011, the testimony and exhibits from the evidentiary hearing conducted on May 1, 2015, and the oral argument presented on May 1, 2015. The State has alleged the following aggravating factors for Count 1 of the indictment, pursuant to A.R.S. § 13-751(F):

1. The defendant has been or was previously convicted of a serious offense whether preparatory or completed, to wit: (a) Count 2 in the indictment in this cause (at the evidentiary hearing on May 1, 2015, the State dismissed the allegation as to Counts 3, 4, and 5 of the current indictment); (b) Counts 1, 2, and 3 in the indictment in CR 2010-048189-001; and (c) Kidnapping conviction committed on July 2, 2001, Maricopa County Superior Court 2001-010925. See A.R.S. § 13-751(F)(2).
2. The defendant committed the offense with the intent to promote, further or assist the objective of a criminal street gang or criminal syndicate or to join a criminal street gang or criminal syndicate. Specifically, the defendant's conduct furthered the interests or objectives of the neo-Nazi criminal street gang the "Vinlanders Social

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Club” by attempting to kill an African American male and in killing a Caucasian female who associated with African Americans. See A.R.S. § 13-751(F)(11).

The Court finds the State has established probable cause the defendant committed the offense of Aggravated Assault, a class 3 dangerous felony, as alleged in Count 2 in this indictment, and, if convicted at trial, that offense is a serious offense as defined by Arizona law. See Exhibit 4 from the May 1, 2015 evidentiary hearing (the Reporter’s Transcript of Proceedings before the Maricopa County Grand Jury on April 8, 2011), A.R.S. § 13-706(F) and A.R.S. § 13-751(F)(2) (convictions for serious offenses committed on the same occasion as the homicide shall be treated as a serious offense under this paragraph).

The Court finds the State has established probable cause the defendant was previously convicted of a serious offense in Maricopa County Superior Court CR 2010-048189-001. Specifically, Defendant was convicted on Count 1, Aggravated Assault, a class 3 dangerous felony offense. See Exhibit 3 from the May 1, 2015 evidentiary hearing (the certified court minute entry dated May 20, 2011). Aggravated Assault is a serious offense under Arizona law. Defendant was adjudged not guilty of Count 3 by jury verdict, and Counts 2 was dismissed on motion of the State. These two counts therefore do not qualify as convictions of serious offenses under A.R.S. § 13-751(F)(2).

The Court finds the State has established probable cause the defendant was previously convicted of Kidnapping, a class 2 non-dangerous felony offense, Count 2 in Maricopa County Cause 2001-010925. Kidnapping is a serious offense under Arizona law. See Exhibit 1 from the May 1, 2015 evidentiary hearing (the certified document from the Arizona Department of Corrections), A.R.S. § 13-706(F) and A.R.S. § 13-751(F)(2).

The Court finds the State has established probable cause the defendant committed the crime of First Degree Murder (Count 1 of the indictment) with the intent to promote, further or assist the objectives of a criminal street gang. Specifically, the defendant’s conduct furthered the interests or objectives of the criminal street gang the “Vinlanders Social Club” when the defendant killed the victim, Kelly Jaeger, a Caucasian female who associated with an African American male. The allegation as to defendant’s conduct with regard to attempting to murder the African American male (Jefferey Wellmaker) is not relevant under A.R.S. 13-751(F)(11). However, in the State’s Allegation of Aggravating Circumstances Other Than Prior Convictions filed on May 24, 2011, the State alleged as aggravating factors for all counts in the indictment that (1) the defendant is a member of the criminal street gang Skinheads, and (2) the offense was a hate crime.

As to Count 1, at the grand jury proceeding, the State established probable cause the defendant shot at Jefferey Wellmaker and Kelly Jaeger from a vehicle. Only Kelly Jaeger was

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shot and killed. When the defendant shot at the victims from the passenger seat of the vehicle, he yelled something to the effect of “hey, nigger, what are you doing with that white girl?” Immediately prior to the shooting, the defendant had approached the victims and had yelled at them in a park and an argument ensued. The victims walked away. Shortly thereafter, a white vehicle came down the street and a shotgun blast came from the passenger side window. Mr. Wellmaker recognized the defendant as the passenger who shot at them. Much later, two individuals implicated the defendant in the crimes. They told police Defendant stated he had been disrespected by a minority and that would not be tolerated.

At the time of the shooting, the defendant was associated with members of the Vinlanders Social Club, a white supremacist organization. Defendant was photographed with members of that organization holding the membership shield embroidered with the word “probate” in the center. Defendant also has tattoos of a swastika and double bolts, tattoos frequently seen on Skinheads. Items with gang indicia were found in common areas at the defendant’s residence. According to the State’s expert on gangs, Vinlanders Social Club members distinguish themselves from other Skinheads by use of violence, intimidation and fear to further their beliefs and philosophies and to strive for respect, which is everything in their world. Members do not accept interracial relationships. White people in relationship with another race are called “race traitors” and are considered to be the bottom of the food chain. Members increase their stature within the gang by committing acts of violence. To kill a “race traitor” would help the cause. Members will kill other members to further the gang’s philosophies. Seven murders have been tied to gang activities. See Exhibits 1 and 2 from the evidentiary hearing conducted on May 1, 2015 (the Reporter’s Transcript of Proceedings before the Maricopa County Grand Jury on April 8, 2011 and photograph of the defendant with tattoos).

The Court finds there is probable cause to believe the Vinlanders Social Club is a criminal street gang as defined by Arizona law. See A.R.S. § 13-105 (8)(9), and A.R.S. § 13-751(F)(11).

**IT IS ORDERED** the State may proceed on the following alleged aggravating circumstances as to Count 1 in the indictment, pursuant to A.R.S. § 13-751(F)(2) and (11):

The defendant has been or was previously convicted of a serious offense whether preparatory or completed, to wit: (a) Count 2 in the indictment in this cause number, Maricopa County Superior Court Cause Number CR 2011-005961-001; (b) Count 1 in the indictment in Maricopa County Superior Court Cause Number CR 2010-048189-001; and (c) Count 2, Kidnapping, committed on July 2, 2001, Maricopa County Superior Court Cause Number 2001-010925.

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The defendant committed Count 1 in the pending indictment, First Degree Murder, with the intent to promote, further or assist the objectives of a criminal street gang. Specifically, the defendant's conduct furthered the interests or objectives of the criminal street gang the "Vinlanders Social Club" by killing the victim, Kelly Jaeger, a Caucasian female who associated with an African American male.

This case is eFiling eligible: <http://www.clerkofcourt.maricopa.gov/efiling/default.asp>. Attorneys are encouraged to review Supreme Court Administrative Order 2011-140 to determine their mandatory participation in eFiling through AZTurboCourt.